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8 Attorneys for
9 GOOGLE LLC

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO**

13 ANIBAL RODRIGUEZ, *et al.* individually and
14 on behalf of all other similarly situated,

15 vs
16 GOOGLE LLC, *et al.*

Plaintiffs,
Defendant.

17 Case No. 3:20-CV-04688

[PROPOSED] ORDER GRANTING
GOOGLE'S REQUEST RE: PLAINTIFFS'
PRIVILEGE LOG AND RFP NO. 3

Judge: Hon. Alex G. Tse
Courtroom: A, 15th Floor
Action Filed: July 14, 2020
Trial Date: Not Set

[PROPOSED] ORDER

Before the Court is the parties' Joint Letter Brief regarding Plaintiffs' Privilege Log. Google seeks an order requiring Plaintiffs to log communications with counsel that occurred before each plaintiff appeared in this case and to produce non-privileged documents responsive to Google's RFP No. 3 that have not been produced. Having considered the joint letter brief, the Court Orders as follows:

Google has shown that Plaintiffs' pre-filing communications with counsel or third parties about the factual allegations underlying this case are relevant and responsive to Google's RFP No. 3. Google has shown that Plaintiffs have failed to meet their burden under Rule 26(b)(5) to provide information sufficient to assess their privilege claims for communications pre-dating their respective first filings. *See* Fed. R. Civ. P. 26(b)(5). Plaintiffs have failed to produce non-privileged documents responsive to RFP No. 3 and to properly substantiate their privilege claims for documents they have withheld. Therefore, Plaintiffs must (1) produce materials responsive to Google's RFP No. 3, including any non-privileged communications involving counsel or third parties, and (2) serve a privilege log that complies with the requirements of Rule 26(b)(5) and this Court's civil standing order for all communications that occurred before each plaintiff appeared in this case. *See* Magistrate Judge Alex G. Tse's Civil Standing Order dated 9/17/2021 at 5 § VII.D. Google's motion is hereby **GRANTED**.

IT IS SO ORDERED.

DATED:

Honorable Alex G. Tse
United States Magistrate Judge